

INTRODUCED: 04/14/2014

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Hunter

DIGEST: amends the Code to amend regulations applicable to breweries and distilleries

SOURCE:

Initiated by: Councillor Hunter

Drafted by: Councillor Hunter

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: April 10, 2014

CITY-COUNTY GENERAL ORDINANCE NO. , 2014

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to amend regulations applicable to breweries and distilleries

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 391-114 of the "Revised Code of the Consolidated City and County," regarding businesses and trades constituting a nuisance, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

(a) It shall be unlawful for any person to establish, or attempt or begin to establish, or maintain any of the following businesses: Slaughterhouse, tallow chandlery, soap factory, starch factory, glue factory, tannery, foundry, ~~brewery, distillery,~~ bone factory or fertilizer factory in the city within one thousand (1,000) feet of any established public building, park, playground, boulevard, church, school, library, hospital or any established residential neighborhood comprising ten (10) or more dwelling houses; doing so shall constitute any of such businesses a public nuisance. It is hereby made the duty of the board of public works or of any health authorities to prevent any such nuisance, or to require its abatement and removal if established, in which event the expense of such removal shall be assessed against the person so establishing or attempting to establish such nuisance, and if necessary, the expense thereof shall be collected by suit in the name of the city.

(b) It shall be unlawful for any person, and shall constitute a public nuisance, to erect, continue, use or maintain, or permit to be erected, continued, used or maintained in any place or upon any premises within the city owned, controlled or operated by him, any condition, trade, employment or business injurious to health, or indecent or offensive to the senses, or any obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of life or property.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid

provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2014, at _____ p.m.

ATTEST:

Maggie A. Lewis
President, City-County Council

NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2014, at 10:00 a.m.

NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2014.

Gregory A. Ballard, Mayor